

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARLON JACKSON, *et al*,

*Plaintiffs,*

v.

CHRISTOPHER GOETZ, *et al*,

*Defendants.*

Civil Action No. 2:19-cv-258

Hon. William S. Stickman IV  
Hon. Cynthia Reed Eddy

**ORDER OF COURT**

Plaintiffs, Marlon Jackson (“Plaintiff Jackson”) and Saundra Cole (“Plaintiff Cole”), brought this action for civil rights violations against three City of Pittsburgh Police Officers, Christopher Goetz (“Defendant Goetz”), Scott Brown (“Defendant Brown”), and Robert Berberich. All three Defendants moved for summary judgment in their favor and against Plaintiffs. (ECF No. 68). After briefing, Chief United States Magistrate Judge Cynthia Reed Eddy issued a Report and Recommendation on November 22, 2021, recommending that Defendants’ Motion for Summary Judgment be granted in part and denied in part. (ECF No. 78). More specifically, Chief Magistrate Judge Eddy recommended that the motion be granted as to Plaintiff Jackson’s First Amendment retaliation claim pursuant to 42 U.S.C. § 1983 against all Defendants related to his arrest and prosecution. She further recommended that Defendants’ motion be denied as to: (1) Plaintiff Jackson’s Fourth Amendment unlawful seizure claim pursuant to 42 U.S.C. § 1983 against all Defendants; (2) Plaintiff Cole’s Fourth Amendment unlawful seizure claim pursuant to 42 U.S.C. § 1983 against Defendant Goetz; (3) Plaintiff Jackson’s First Amendment retaliation claim pursuant to 42 U.S.C. § 1983 against all Defendants related to his alleged retaliatory seizure; (4) Plaintiff Jackson’s Fourth Amendment excessive

force claim pursuant to 42 U.S.C. § 1983 against all Defendants; and (5) Plaintiff Jackson's state law claims for assault against all Defendants and battery against Defendant Brown. (ECF No. 78). Defendants' Objections to the Report and Recommendation were filed on December 13, 2021. (ECF No. 81). Plaintiffs' Brief in Opposition to Defendants' Motion Objections to Magistrate's Report and Recommendation was filed on January 3, 2022. (ECF NO. 83).

The Court, after its independent *de novo* review of the entire record, ADOPTS Chief Magistrate Judge Eddy's Report and Recommendation (ECF No. 78) as its Opinion. It concurs with her thorough legal analysis of Plaintiffs' various claims and her recommendations, and it OVERRULES Defendants' Objections (ECF No. 81).

AND NOW, this 5<sup>th</sup> day of January 2022, IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (ECF No. 68) is GRANTED IN PART and DENIED IN PART.

IT IS ORDERED that the motion is GRANTED with respect to Plaintiff Jackson's First Amendment retaliation claim pursuant to 42 U.S.C. § 1983 against all Defendants related to his arrest and prosecution. As to this claim, judgment is hereby entered in favor of Defendants Christopher Goetz, Scott Brown, and Robert Berberich and against Plaintiff Marlon Jackson.

IT IS FURTHER ORDERED that the motion is DENIED with respect to: (1) Plaintiff Jackson's Fourth Amendment unlawful seizure claim pursuant to 42 U.S.C. § 1983 against all Defendants; (2) Plaintiff Cole's Fourth Amendment unlawful seizure claim pursuant to 42 U.S.C. § 1983 against Defendant Goetz; (3) Plaintiff Jackson's First Amendment retaliation claim pursuant to 42 U.S.C. § 1983 against all Defendants related to his alleged retaliatory seizure; (4) Plaintiff Jackson's Fourth Amendment excessive force claim pursuant to 42 U.S.C. § 1983 against all Defendants; and (5) Plaintiff Jackson's state law claims for assault against all

Defendants and battery against Defendant Brown. (ECF No. 78). These claims may proceed to trial.

BY THE COURT:

  
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WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE